

IN RE: PETITION FOR VARIANCE
N/S Red Lion Road, 1890' from
c/l of Allender Road
11th Election District
5th Councilmanic District
GREEN CONTRACTING COMPANY,
Petitioner
BEFORE THE
DEPUTY ZONING
COMMISSIONER FOR
BALTIMORE COUNTY
Case No.: 93-465-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner on a Petition for Zoning Variance from Baltimore County Zoning Regulations ("BCZR") §255.1 and §238.2 to permit a Ten (10) foot sideyard setback in lieu of the Thirty (30) feet required, as more specifically shown on the Plan to accompany the Petition, introduced as Petitioner's 'Exhibit 1.

The Petitioner, Green Contracting Company, appeared through Robert E. Dalton, President and was represented by Howard L. Alderman, Jr., Esquire. There were no Protestants.

The proffered testimony presented by Howard L. Alderman, Jr., Esquire indicated that the subject property, comprised of approximately 2.703 ± gross acres, is located on the North side of Red Lion Road and that the entire subject property is zoned ML. A substantial portion of the subject property is classified as a 100 year flood plain and is, therefore, unusable for development purposes. The remaining, useable portion of the site is in an "L" configuration.

Testimony indicated that the stormwater management facility for the proposed improvements occupy an additional portion of the useable acreage of the subject property. The useable portion of the subject property is narrow along the frontage of Red Lion Road and is irregularly shaped. The Petitioner agreed to abide by all comments submitted by County and

State agencies in connection with Petitioner's request.

The variance requested would permit the subject property to be used for a permitted purpose. I am persuaded by the proffered testimony that due to the shape and configuration of the subject property, and the regulatory constraints imposed on the balance thereof, that strict compliance with the BCZR would result in practical difficulty as related to the proposed use, that the variance relief requested would not result in increased residential density and that the relief requested is peculiar to the land and building proposed for the subject property. The testimony indicated that the relief requested was the minimum relief necessary, that it would do substantial justice to the Petitioner and other property owners in the district, and that it could be granted within the spirit and intent of the BCZR without jeopardizing the security of the public health, safety and welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and its property. McLean v. Soley, 270 Md. 208 (1983). To prove practical difficulty for an area variance, the Petitioner must meet the requirements of BCZR § 307.1 and the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1984).

It is clear from the testimony that if the variance requested is granted, the proposed use

will not be contrary to the spirit of the BCZR and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardships will result if the variance requested is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and proposed structure which is the subject of this variance request, and that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to the subject property. In addition, the relief requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of the subject property, and public hearing on the Petition held, and for the reasons given above, the Petition Variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of August, 1993 that the Petition for Variance from BCZR Sections 255.1 and 238.2 to permit a sideyard setback of Ten (10) feet in lieu of the Thirty (30) feet required, as more particularly described in Petitioner's Exhibit 1 is hereby GRANTED, subject, however to the restriction below:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 6, 1993

(410) 887-4386

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 M. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N/S Red Lion Road, 1890' from the c/l of Allender Road
(11340 Red Lion Road)
11th Election District - 5th Councilmanic District
Green Contracting Company - Petitioner
Case No. 93-465-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 7/16/93
Posted for: Variance
Petitioner: Green Contracting Co.
Location of property: 11340 Red Lion Rd., N/S - 1890' from Allender Rd.
Location of Sign: Front Roadway on Property of Petitioner
Remarks: _____
Posted by: [Signature] Date of return: 7/16/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/8, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/8, 1993.

THE JEFFERSONIAN,

[Signature]



Petition for Variance 93-465-A to the Zoning Commissioner of Baltimore County

for the property located at 11340 Red Lion Road
which is presently zoned M.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 255.1 and 238.2 to permit a 10 foot side yard in lieu of the required 30 foot side yard

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Narrowness and irregular shape of lot
Environmental regulatory constraints
Such further reasons as developed at the hearing on this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

(Type or Print Name)

Levin & Gann, P.A.

305 W. Chesapeake Ave. Suite 113

TOWSON, MD 21204

(410) 321-0600

(Use to accurately describe and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

Green Contracting Company

(Type or Print Name)

Signature

Robert E. Dalton, President

(Type or Print Name)

Signature

1300 Racquet Road

Address

Phone No.

Baltimore Maryland 21209

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

J. Strong Smith, P.E.

Address

Phone No.

658 Kenilworth Drive 825-8120

TOWSON, MD 21204

(410) 321-0600

OFFICE USE ONLY

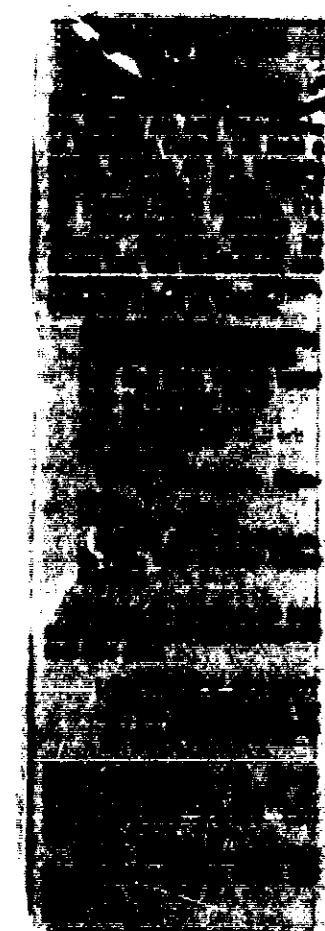
ESTIMATED LENGTH OF HEARING

on the following date: _____

at _____

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



No Review
6-23-93
wcp



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 30, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-465-A (Item 470)
11340 Red Lion Road
N/S Red Lion Road, 1890' from c/l Allender Road
11th Election District - 5th Councilmanic
Petitioner(s): Green Contracting Company
HEARING: THURSDAY, JULY 29, 1993 at 9:30 a.m. in Rm. 106, County Office Building.

Variance to permit a 10 foot side yard in lieu of the required 30 foot side yard.

Carl Jablon
Arnold Jablon
Director

cc: Green Contracting Company/1300 Requet Road/Baltimore, MD 21209
J. Strong Selby, F.E./658 Enslinworth Drive/Towson MD 21204
Howard L. Alderman, Esq./305 W Chesapeake Avenue #113/Towson MD 21204

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: POTTER PUBLISHING COMPANY
July 8, 1993 Issue - Jeffersonian

Please forward billing to:

Green Contracting Company
c/o Howard L. Alderman, Jr., Esq.
305 W. Chesapeake Avenue #113
Towson, Maryland 21204
(410) 321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-465-A (Item 470)
11340 Red Lion Road
N/S Red Lion Road, 1890' from c/l Allender Road
11th Election District - 5th Councilmanic
Petitioner(s): Green Contracting Company
HEARING: THURSDAY, JULY 29, 1993 at 9:30 a.m. in Rm. 106, County Office Building.

Variance to permit a 10 foot side yard in lieu of the required 30 foot side yard.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 19, 1993

Howard L. Alderman, Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue STE 113
Towson, MD 21204

RE: Case No. 93-465-A, Item No. 470
Petitioner: Green Contracting Company
Petition for Variance

Dear Mr. Alderman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 23, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTO. CO.
Item No: + 470 (WCP)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-452-5923 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 16, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 1, 3, 7, 470, 473, 474, 475 and 476.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*
Division Chief: *Camille Kern*

PK/JL:lw

001.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

Date: July 7, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: July 12, 1993 - Meeting

- #402 - Space shall comply with the 1991 Life Safety Code.
- #456 - No comments
- #462 - No comments
- #463 - Site shall not interfere with Baltimore County's 800 Megahertz Radio Capability.
- #464 - No comments
- #465 - No comments
- #466 - No comments
- #467 - No comments
- #468 - No comments
- #469 - No comments
- #470 - Building shall comply with the 1991 Life Safety Code.
- #471 - Did not receive plan.
- #472 - No comments.

JLP/dal
cc: File

RECEIVED
JUL 8 1993
ZADM

CPS-008

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

July 22, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, DEPRM
Development Coordinator, DEPRM

SUBJECT: Zoning Item #470 93-465-A 7/69
Green Contracting Company, 11340 Red Lion Road
Zoning Advisory Committee Meeting of July 6, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.
2. Development of the property must comply with the Baltimore County Forest Conservation Regulations.
3. A stream, wetlands and forest exist on the property.
4. Label Tract 3 as a lot.

JLP:jbm
GREENCON/TXTSBP

RECEIVED
24 1993
ZONING COMMISSIONER



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 7, 1993

Howard L. Alderman, Jr.
Levin & Gann
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: Preliminary Petition Review (Item #470)
Legal Owner: Green Contracting Company
11340 Red Lion Road
11th Election District

Dear Mr. Alderman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has no revealed unaddressed zoning issues and/or incomplete information.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Camille Kern
Catherine A. Wilton
Planner I

CAM:scj

cc: Zoning Commissioner

Enclosure: Receipt

Printed on Recycled Paper

7/11/93
625/93
MS

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S Red Lion Rd., 1890' from : OF BALTIMORE COUNTY
C/L Allender Rd., :
11th Election District, :
5th Councilmanic District : Case No. 93-465-A
GREEN CONTRACTING COMPANY, :
Petitioner :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 42, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 14th day of July, 1993,
a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman,
Jr., Esquire, Levin & Gann, P.A., 305 W. Chesapeake Ave., Suite 113, Towson,
MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
JUL 15 1993
ZADM

TOWSON
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS
1100 N. WASHINGTON AVE.
TOWSON, MARYLAND 21204
(410) 281-1000
FAX: (410) 281-1001

3349-13
WCR
93-465-A

TO: Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

DATE: June 8, 1993
REFERENCE: Green Contracting
Company, Inc.
Zoning Variance

ATTENTION:

We are

- ☒ Submitting ☒ Herewith ☐ Under Separate Cover
☐ Forwarding
☐ Returning

COPIES

3 Petition forms
12 Zoning plat
3 Description
1 Zoning map @ 1"=200'
1 \$250.00 check for filing fee

- ☐ In accordance with your request
☐ For your review
☒ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted

- ☐ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Meeting requested

Remarks

RECEIVED
JUN 11 1993

ZADM

For further information, please contact the writer at this office.

BCP: kmp
Enclosures
cc: Mr. Robert Dalton

Sincerely yours,

BCP
Bernt C. Petersen

PLEASE PRINT CLEARLY

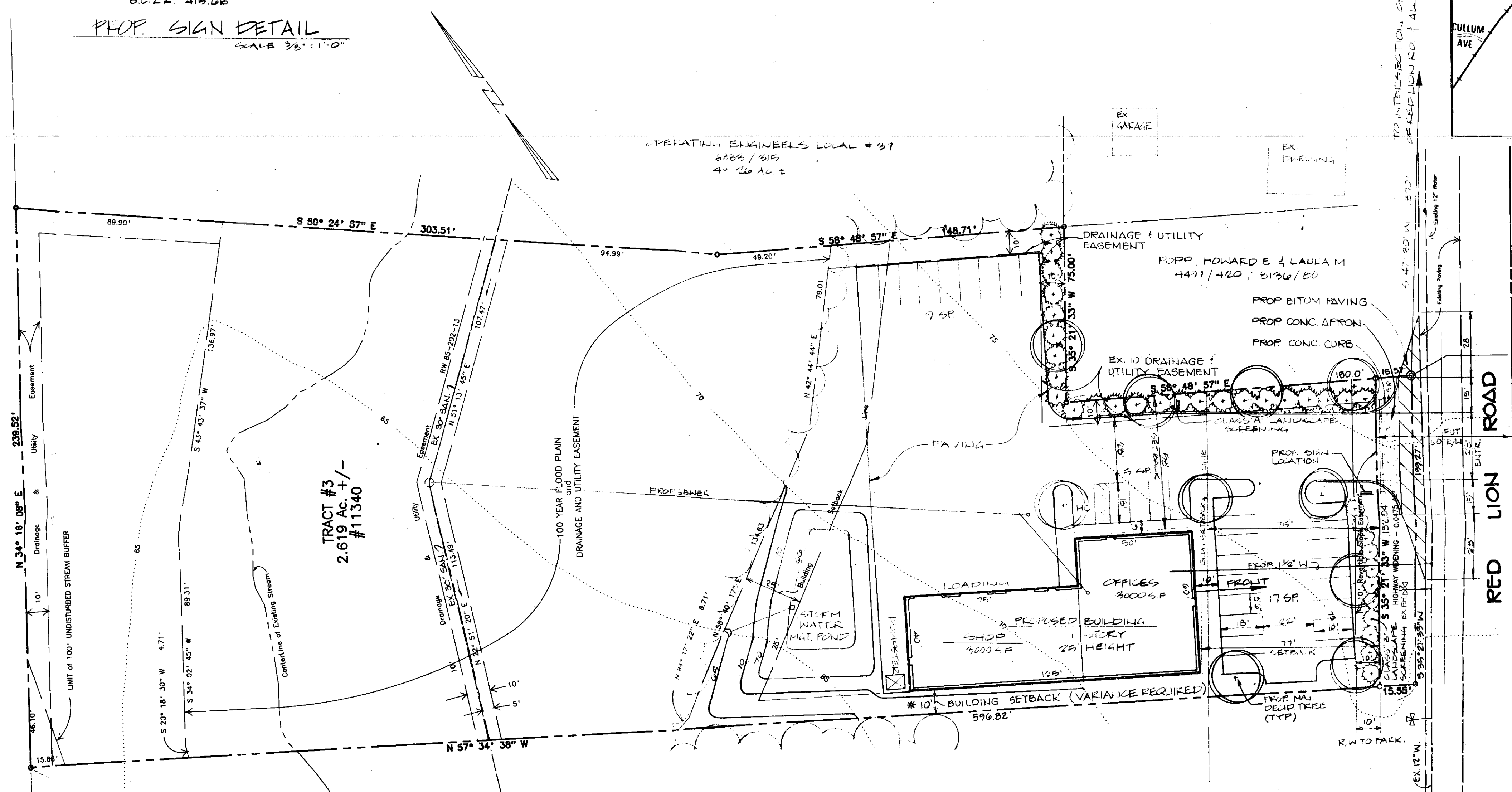
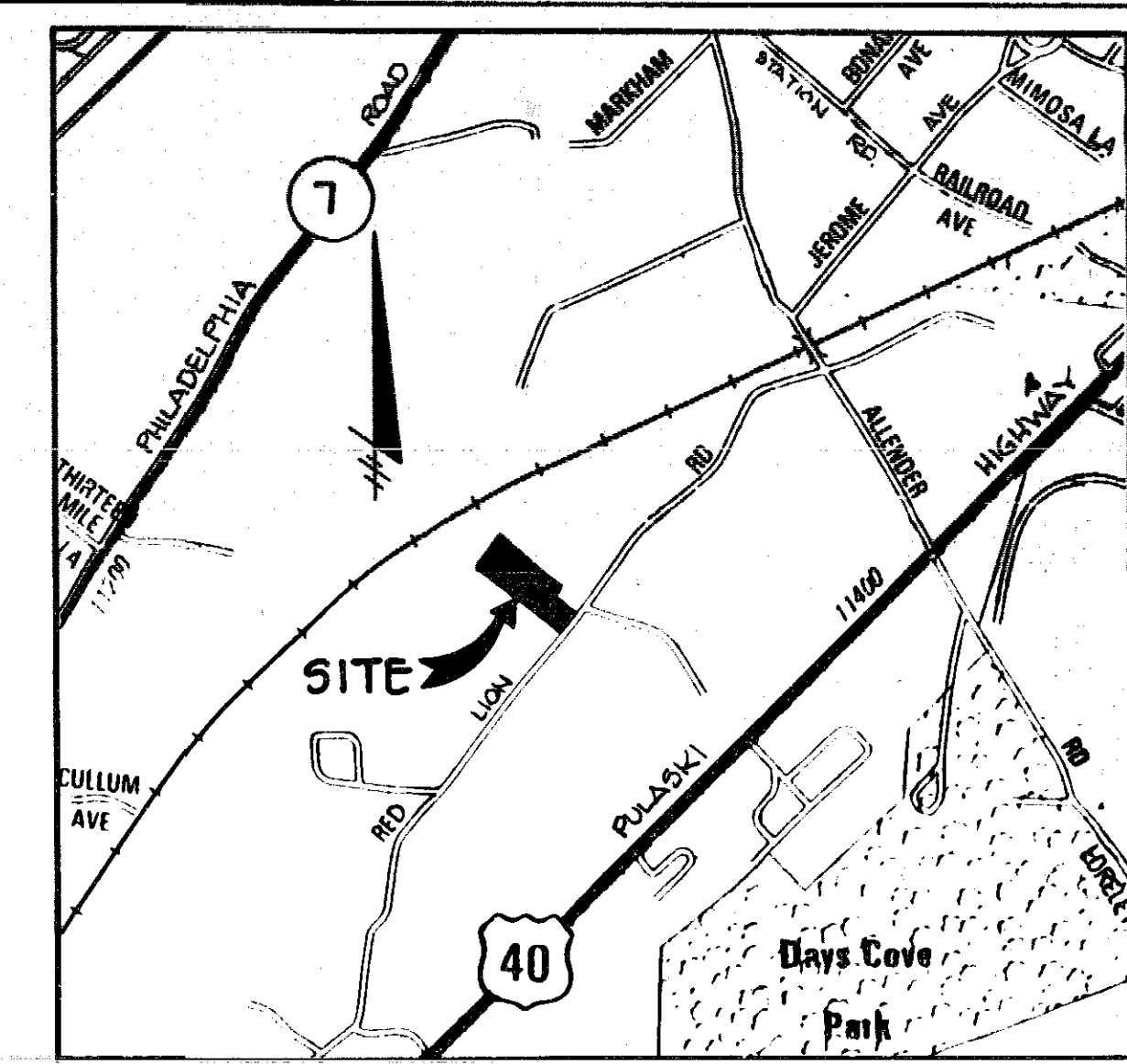
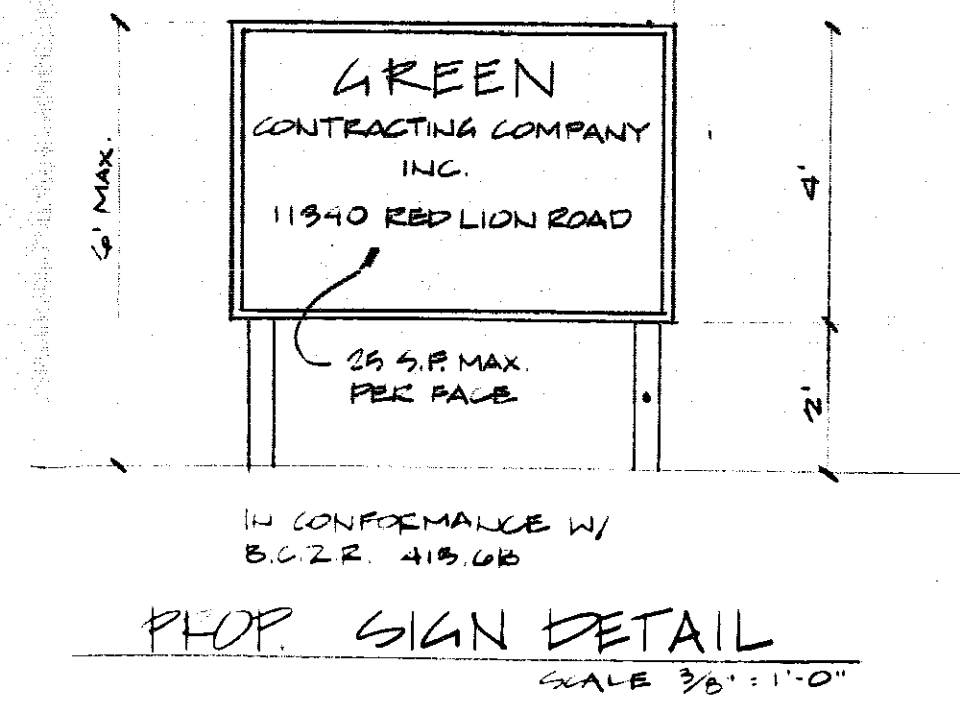
PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert E. Dalton
Howard Alderman

6546 Mt View RD Highville MD 21081



93-465-A

GENERAL NOTES

- ELECTION DISTRICT - #11
- COUNCILMANIC DISTRICT - #5
- SITE ACREAGE - 2.666 AC +/-
GROSS - 2.703 AC +/-
(0.037 AC +/- R/W RED LION ROAD)
- EXISTING ZONING - ML
- EXISTING USE - VACANT
- PROPOSED USE - MECHANICAL CONTRACTORS SHOP/OFFICE BUILDING
- FLOOR AREA RATIO - ALLOWED - 20 X 117,742.68 S.F. = 235,485.36 S.F.
PROPOSED - 6000 S.F.
- PARKING - REQUIRED - OFFICE SPACE - 3000 S.F. X 3.3 / 1000 = 9.9 SP.
- SHOP - 2000 S.F. X 2 = 20 SP.
TOTAL = 12 SP.
- PROVIDED - 31 SPACES
- ALL PROPOSED PAVING TO BE BITUMINOUS CONCRETE AND STRIPED IN ACCORDANCE WITH B.C.Z.R.
- ALL EXTERIOR LIGHTING TO BE DIRECTED AWAY FROM ADJACENT RESIDENTIAL PROPERTY WITH A MAXIMUM HEIGHT OF 15'.
- ALL LANDSCAPE SCREENING OF PARKING LOTS AND OTHER LANDSCAPING PROPOSED SHALL BE IN CONFORMANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

- PLAT REFERENCE - 61 / 133
- DEED REFERENCE - 7882 / 66, 8136 / 80

ZONING REQUEST

* VARIANCE FROM B.C.Z.R. SECTIONS 255.1 AND 238.2 TO PERMIT A SIDE YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 30' FOR A NON-RESIDENTIAL BUILDING

PETITIONER'S EXHIBIT NO. 1

470

PLAN TO ACCOMPANY A ZONING VARIANCE REQUEST

GREEN CONTRACTING COMPANY, INC.

11340 RED LION ROAD BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT # 11
JUNE 18, 1993

COUNTY COUNCIL DISTRICT # 5
SCALE: 1" = 30'
SHEET 1 OF 1



GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

OWNER / DEVELOPER
GREEN CONTRACTING COMPANY, INC.
1300 RAQUET ROAD
BALTIMORE, MARYLAND 21209

